

Memorandum



Date: April 12, 2005

To: Honorable Joe A. Martinez and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance relating to incorporation; allowing for the use of Unincorporated
Municipal Service Area bond proceeds to be used in newly incorporated
municipalities

INLUC

Agenda Item No. 2(V)

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) adopt the attached ordinance relating to incorporation; allowing for the use of Unincorporated Municipal Service Area bond proceeds to be used in newly incorporated municipalities; amending Section 20-26 of the Miami-Dade County Code.


BACKGROUND

The Incorporation and Annexation Subcommittee (Subcommittee) held several meetings over the last year to review the County's incorporation and annexation policies and practices. Public input and commentary were provided and considered at these meetings. During this time, staff provided the Subcommittee with two detailed reports. At the direction of the Chair and Members of the Subcommittee, the first of these reports included policy approaches and recommendations that could be used to guide future incorporation and annexation requests. The report also served to clarify existing policies. The report was forwarded to both the Budget and Finance and Governmental Operations and Environment Committees for their review and consideration in January 2004. No action was taken at that time, but subsequently staff developed an updated report with recommendations. The revised report provided by staff recommended that the BCC continue with the established incorporation and annexation guidelines, and implement the codification of certain policies, and the report also provided additional policy matters for review. The Subcommittee met on October 14, 2004, and favorably forwarded this recommendation to the Budget and Finance Committee and BCC for consideration.

There is no established policy that allows for the expenditure of unincorporated area-related revenues within a municipality. The County Commission has authorized the expenditure of bond proceeds outside of UMSA by Board resolution. These types of bond revenues were approved and programmed at the time of incorporation for a designated area. This proposed legislation would allow the BCC, if it determines that it is in the best interest of the County, where it has issued bonds on behalf of UMSA, to fund improvements within the a newly incorporated municipality or annexed area. This includes, but in the future may not be limited to, the Quality Neighborhood Improvement and the Stormwater Utility Bond programs. As

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noted, the action has occurred through separate BCC resolution. Adoption of this item would simply codify a mechanism for the BCC to designate funds in this manner.



Alex Muñoz
Assistant County Manager




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 14, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(Q)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 13 (Q)
12-14-04

ORDINANCE NO. _____

ORDINANCE RELATING TO INCORPORATION;
AMENDING SECTION 20-26 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; AUTHORIZING THE BOARD OF
COUNTY COMMISSIONERS TO DISTRIBUTE BY
RESOLUTION CERTAIN UNINCORPORATED MUNICIPAL
SERVICE BOND PROCEEDS TO NEWLY INCORPORATED
MUNICIPALITIES; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County has authorized the creation of municipalities after September 1, 2000, conditioned upon those municipalities' compliance with certain pre-agreed conditions of incorporation, as authorized by Section 20-26 of the Code of Miami-Dade County, Florida; and

WHEREAS, municipalities following September 1, 2000 have obligated themselves in their municipal charters to continue to pay their pro-rata share of any County debt outstanding at the time the municipality incorporates; and

WHEREAS, the newly incorporated area, during the time that it was part of the unincorporated area, had bond proceeds allocated to projects; and

WHEREAS, the Board of County Commission may still desire to allocate those bond proceeds to the same project notwithstanding its location within a new municipality,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 20-26 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:¹

Sec. 20-26. Future Municipalities' Obligations to the County.

>>(f) The Board of County Commissioners may by resolution allow the distribution of existing unincorporated bond proceeds to municipalities created after September 1, 2000 for the same type of project originally described in the bond document's charter.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

CHC/CJS

Craig H. Collier/Cynthia Johnson-Stacks

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.